



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Vernal Field Office  
170 South 500 East  
Vernal, Utah 84078-2799  
<http://www.blm.gov/utah/vernal>

Phone: (435) 781-4400  
Fax: (435) 781-4410

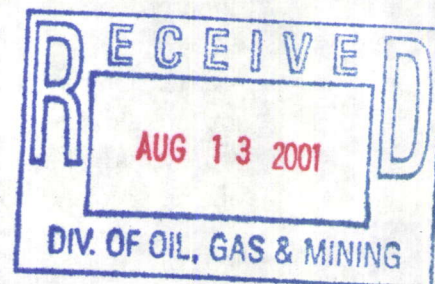
IN REPLY REFER TO:

3809

(UT-08300)

UTU-66357

AUG 10 2001



Certified Mail

Return Receipt Requested

No. 7001 0360 0001 9290 1106

### DECISION

Mr. Craig Caldwell

Bluebell Oil Company

3350 County Road #102

Rangely, Colorado 81648

: Extension of Time to Complete  
: Outstanding Reclamation Work at Project  
: Area UTU-66357 Granted

### Why is this decision letter being written?

This decision letter is being written in reply to a July 27, 2001 letter we received petitioning our office for an extension of time in which to conduct reclamation of Bluebell Oil Company's project area. The correspondence was submitted by Mr. Robert E. Covington on behalf of three operators of record, including Bluebell Oil (copy enclosed). It petitions our office for an extension until November 1, 2001 in which initial reclamation, as ordered in our May 10, 2001 decision letter is to be completed. A recent inspection of your project area reveals most equipment, supplies and trash has been removed; and some recontouring has been accomplished. Ground near the old electrical board appears to be oil stained. Ends of electrical wires are exposed in the same vicinity. Wires were not tested to determine whether or not they conducted electricity or were dead. The wooden structure had been placed onto a trailer in the vicinity of the old settling pond. Some buried pipe and metal objects were exposed in the area just east of the old settling pond.

### What variance to prior decisions is granted by this office?

Pursuant to your request, you are to complete all initial reclamation measures, as cited on the second page of our November 14, 2000 notice of noncompliance on or before November 1, 2001.



Are there additional requirements as part of this decision?

As part of our granting this variance, the following are additional requirements.

- On or before October 1, 2001, all residual materials installed in support of placer mining activities must be removed from the public lands. This includes, but is not limited to the materials shown on the enclosed figure. Materials are not to be buried nor are installed underground electrical wires to be left in place.
- At least 10 working days before the commencement of recontouring, redistribution of topsoil and seeding, a Bluebell Oil Co. representative and a Vernal Field Office representative shall conduct a joint on-site. The purpose of the on-site is to review the planned reclamation procedures.
- You are to notify the Vernal Field Office no later than 2 working days prior to the conduct of seeding. The notification shall include the planned date seeding would occur and the method of seeding which is planned; i.e., either broadcast or drill seeding. Your project area is about 2 acres in size. This should be taken into account when ordering the quantity of seed to be applied. You should seek advice from the seed vendor regarding the optimal planting method for the seed mixture based upon the topsoil and subsoil within the recontoured area.
- Seed applied to public lands must be noxious weed free. You are to obtain a constituents list from the vendor who provides the seed mix which indicates the seed purchased is noxious weed free.
- You are to notify the Vernal Field Office no later than 2 working days following seeding. Within 5 working days following seeding, you shall submit to the Vernal Field Office the original or a legible copy of the constituents list from the bag of seed distributed; and the name and address of the vendor who provided the seed.
- This correspondence does not change any of the other requirements contained in our November 14, 2000 notice of noncompliance (items 1 and 2.a. through 2.e. on the second and third pages of that certified correspondence).

What happens if you fail to comply?

Failure to complete the required reclamation work by August 1, 2001 will result in you being required to submit a plan of operations and mandatory bond for all subsequent operations which otherwise be conducted pursuant to a notice under 43 CFR 3809.1-3.



Can you appeal this decision?

You have the right of appeal to the Utah State Director, Bureau of Land Management ( P.O. Box 45155, Salt Lake City, Utah 84145-0155), in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing to this office (Bureau of Land Management, Vernal Field Office, 170 South 500 East, Vernal, Utah 84078) within 30 days from the receipt of this decision. This decision will remain in effect during the appeal unless a written request for a stay is granted. If you wish to file a petition pursuant to 43 CFR 3809.4(b) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the State Director, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based upon the standards listed below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Sincerely



David E. Howell  
Field Manager

enclosures

cc: Robert Covington - lead claimant of record Pebble Puppy #1-A (UMC366391)  
Utah Div. of Oil, Gas, and Mining (S/047/050)  
Utah State Office UT93513

## HIKO BELL MINING &amp; OIL COMPANY

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POST OFFICE BOX 1845 \* VERNAL, UTAH 84078 \* TELEPHONE: 435-789-3233 \* FAX: 435-789-4560

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July 27, 2001

Howard B. Cleavinger II  
Bureau of Land Management  
170 S 150 East  
Vernal, Utah 84078

Re: Extension of Time to Complete  
Outstanding Reclamation Work Bluebell (UTU66357)  
Norman Haslem (UTU66354)  
Hiko Bell (UTU 66358)

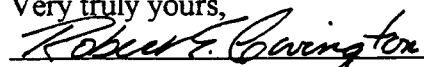
Dear Sir:

The above listed parties appreciated the Extension of Time to complete the required reclamation work to August 1, 2001 granted by your letter of June 29, 2001. All of the above listed parties have actively been working with bulldozers, trucks and trailers and personnel to haul off the materials as requested by your office and to do the required reclamation work. Considerable progress has been made to date, but the gin truck with flat bed we intended to use in the work had the clutch go out on it and we had to work with small trailers behind pickup trucks. I have been in touch with Peter K. Sokolosky of your office regarding our progress and our commitment. I spent several hours with him two weeks ago to update what needed to be done.

On Thursday, July 26<sup>th</sup>, I called Mr. Sokolosky and told him of the progress that had been made. I asked him if he could come to the property on Monday, but he explained that he had an appointment to be out in the field that day. He said he would be back in the office on the 31<sup>st</sup>, and wanted me to call. When I explained that we were working as hard as we could, with the limited resources we had available, he said that I should write and ask for an extension of time to complete the work.

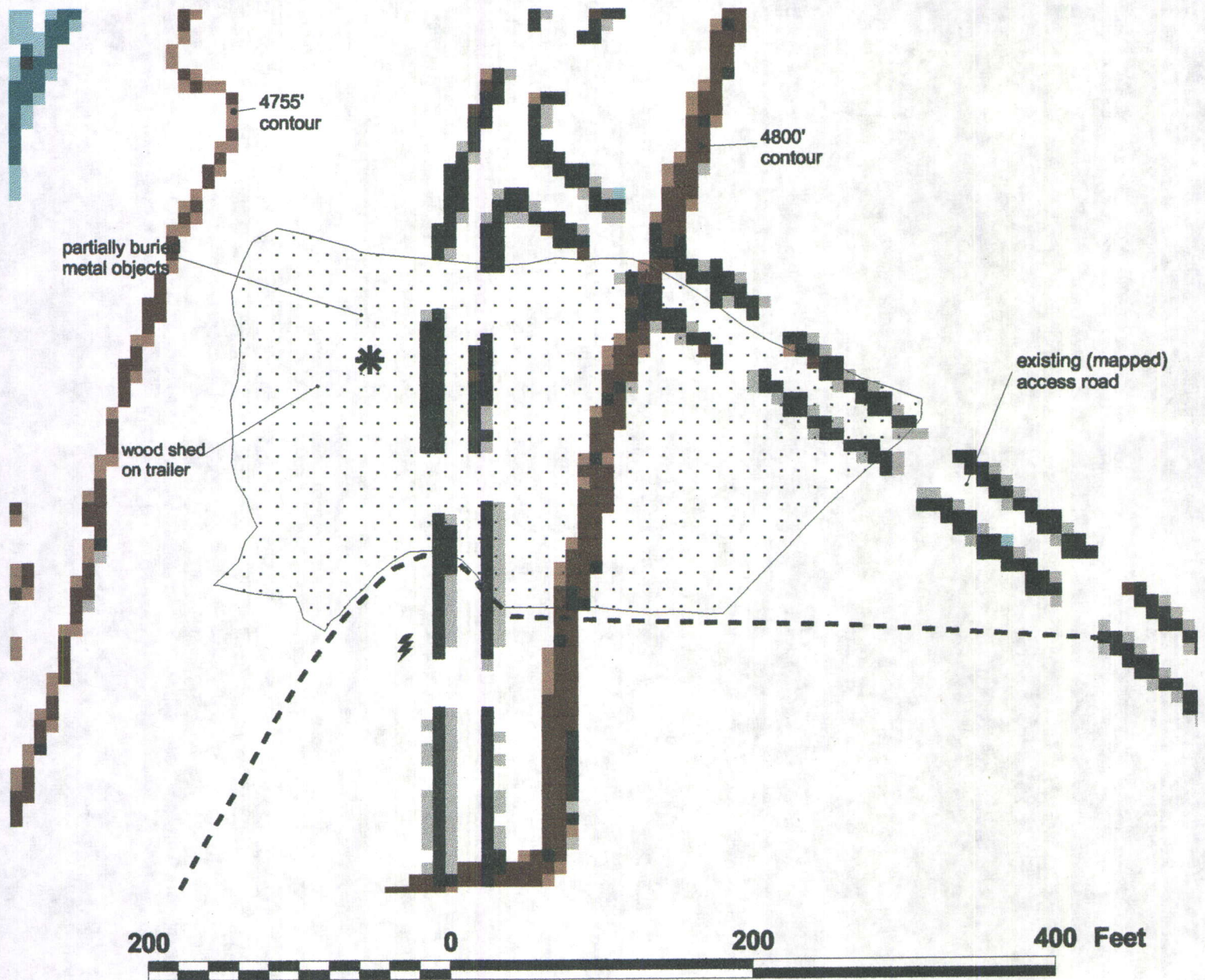
I therefore ask to be given an extension to the 1st of November, 2001. We also need to order the seed immediately and have it ready for sowing. I am certain that by then we will have everything done to meet with your approval. We will appreciate your attention to this request, and we do thank you for your patience to date.

Very truly yours,

  
Robert E. Covington, Secretary-Treasurer



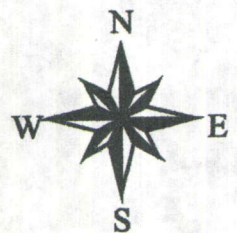
# Enclosure to decision letter regarding Notice UTU66357



background topography from Dinosaur Quarry,  
Utah 7.5" quadrangle, scale of plot - 1:1,200;  
contour elevations shown

unmapped existing  
2-track

\* wires exposed here  
⚡ power pole  
UTU66357 project  
area



No warranty is made by the  
Bureau of Land Management  
for use of any of the data for  
purposes not intended by the  
Bureau of Land Management.